



California Regional Water Quality Control Board

Central Valley Region

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Irrigated Lands Conditional Waiver Program Public Advisory Committee 18 July 2005 Meeting Notes

Coalition Group Updates

East San Joaquin Water Quality Coalition – Parry Klassen

- 3 sampling events completed since May (May, June, July).
- 13 sites have been sampled as per the MRP; have 6-7 core sites (always sampled) and 6 rotating sites.
- Sediment sampling in May and July.
- Some exceedances found, will follow up with growers and work with them on management practices.
- Working to get analytical data into SWAMP compatible format.
- Requesting Pesticide Use Reports and are working with County Agricultural Commissioners.

Root Creek Watershed Coalition – Ron Frye

- Coalition is \$70,000 in debt.
- Some growers are refusing to pay assessment of \$4/acre and would rather pay the \$100 fee and 30¢/acre as individual dischargers, but not conduct any monitoring.

Sacramento Valley Water Quality Coalition – Aaron Ferguson

- 2 sampling events completed this season (June and July).
- Have not received results from sediment samples taken in June.
- 11-12 coalition sampling sites.
- Have problem with participation in upper watershed areas; valley floor participation is good.
- 40% of the diazinon use surveys sent out have been returned; plan to follow up with everyone.
- Going through the process of getting SWAMP comparable data in electronic format.

San Joaquin County and Delta Water Quality Coalition – John Meek

- 2 sampling events completed this season (May and June; July scheduled 7/19).
- 12 sites (6 core, 6 rotating); rotated every two years. Next rotation is spring 2006. 2 sites in Contra Costa County, 10 in San Joaquin County.
- Had 3 exceedances in both May and June (6 total); TIEs were inconclusive.
- Coalition is mapping pesticide use areas. Getting info on management practices from growers. Presently working with labs to make data compatible with SWAMP.
- Still in the process of signing up growers.

Southern San Joaquin Water Quality Coalition – Dave Orth/Lloyd Fryer

- Four subwatersheds in coalition: Kings, Tule, Kaweah, and Kern; Lloyd Fryer leads Kern.
- Kings: Sampled at three sites in March, April and May, and added fourth site in June. Approximately 60% of growers are members in Coalition. Filed Communications Report due to reduced algae growth. Expect irrigation season to go through October.
- Tule: There was no testing during 2005, believe the 2004 results support the decision not to conduct 2005 monitoring. Only had 4-6 week irrigation season.
- Kaweah: Irrigation season began in July. Sampled in July and will sample again in August, which may be end of season.
- Coalition is getting inconsistent QC from the lab. Margie Lopez-Read, Central Valley Water Board, stated there will be a meeting with the labs on 8/31. Main purpose is to discuss pyrethroid testing and sediment toxicity testing, but can address other issues as well.
- Kern: limited sampling since no native flows in rivers, mainly from Kern Canal. Sampling in February for rainy season. Sampling for irrigation season in June, July (soon), and August.

Westlands Water District – Orvil McKinnis

- Next sampling will be 2005/2006 storm season.
- 2004 annual monitoring report has been turned in.
- District will pay State Water Board fee this year and cover everyone regardless of whether or not they are coalition members.
- Invitation to Water Board staff to tour their facilities and observe management practices.
- Does have data in electronic format and can provide to Water Board.

Westside San Joaquin River Watershed Coalition – Joe McGahan

- 19 sampling sites; found some toxicity in water and sediment.
- Received grants to reduce discharges of pesticides; will design, implement and evaluate management practices and provide funding to growers to install them.
- Has 87% membership in the Coalition. Fee assessment is \$2/acre for customers outside the irrigation districts (IDs).
- Has electronic database for samples; not SWAMP compatible, but willing to revise it.

Irrigation Districts – Walter Ward of Modesto Irrigation District spoke on behalf of five water districts listed on agenda.

- Each irrigation district filed as an individual discharger, not with a coalition group.
- Samples taken at each of the 20 sites; 2 samples during the irrigation season and 2 during the storm season.
- Had a couple of exceedances for which Communication Reports were submitted.
- Have urban influences on some waters, but sampling sites are from active drains and spill sites.
- All five districts received a grant to incorporate all water quality programs under the East San Joaquin Water Quality Framework.

Questions and Comments on Coalition Group and Water District Updates

The questions and comments below came from various stakeholders. The responses were from State and Regional Water Board representatives, unless otherwise noted.

Communication Reports:

- **Questions:** Are communication reports for all exceedances or just toxicity? Some water drainage will never meet water quality standards for turbidity and electrical conductivity.
Response: Communication reports are to be used to report all exceedances as noted in the MRP.
- **Comment:** Water Board staff needs timely communication reports in order to get back to each coalition “pretty quick”.

Water Board Program Updates

Monitoring and Reporting Program Revisions – Water Board staff has considered comments on the May and June proposed revisions, and prepared a spreadsheet with responses to comments. Some comments have been incorporated into a proposed final version, which will be sent out this week for a 2-week comment period. Also proposing a few more changes in the proposed final. The biggest of these will be semi-annual monitoring reports (one for irrigation season and one for storm season) instead of an annual monitoring report.

- **Question:** Why two reports?
Response: One large report is difficult, takes more time to prepare and review. The timing is not appropriate to be able to provide feedback and modify the monitoring strategy for the next season based on the results.
- **Comment:** Need to streamline reports. They are a lot of work.
- **Comment:** Irrigation districts will make three reports for the year.
Response: We are working on the water district MRP.
- **Question:** Any additional changes?
Response: We are using a spreadsheet to give response to comments.
- **Comment:** Twice a year report is an interest for the Board (Al Brizard)

Annual Monitoring Report Review – Three parts to review; almost through the analytical review for all reports. Communication Reports were not submitted for all exceedances. Some analytical data not present, such as re-sampling or TIE sampling. Letters on AMR are ready to be sent out to Coalition Groups. Ready to schedule meetings with Coalition Groups to discuss reports and results. Encouraged by Coalition Groups working to get SWAMP compatible data. Water Board staff have been assigned to specific Coalition Groups and Individual Dischargers as lead contact.

- **Comment:** Don’t send letters out now until there is a meeting with the groups/dischargers to prevent inaccuracies. Having a report template would help.
Response: This will be possible in some cases, but not in all cases.

- Question: How do we standardize between UCD data and Coalition Group data when data are different?

Response: That is a challenge. Need to assimilate data to get bigger picture. Water Board Monitoring and Assessment Unit is now fully staffed so this should help.

Conditional Waiver Extension Status – Water Board staff has held listening sessions with interested parties. Not taking this as an action item to September Board Meeting. Plan to circulate draft documents in mid-August, then hold one or more workshops/open houses to get comments and answer questions. Could do one of these at a PAC meeting. One of the issues would include the length of the extension, whether it is a 2 or 5 year extension. Comments would be due around 16 September; action item would go to the October Board Meeting.

De Minimis Conditional Waiver Status – Have held 5 listening sessions with more scheduled. Need criteria for eligibility for such a waiver and supporting data for those criteria. That is, what criteria show a minimal threat to water quality? Also must decide what conditions to include. Current plan is to have draft proposal for review this fall.

- Question: Would it be considered for a watershed? Or for a geographical area?
Response: Geographic areas have been considered. Size and geography could be factors to take into account. Staff is open to ideas.
- Question: Would it be on the December Board meeting as an information item?
Response: Not sure since there are many different aspects and need a public comment period.

Environmental Impact Report Status – Contract executed with Jones & Stokes and kickoff meeting held on June 29. First task is Existing Conditions Report; draft report planned in mid-October, followed by public meeting to discuss and get comments. Aiming for final EIR in December 2006.

- Question: Would there be a range of alternatives with a preferred alternative?
Response: Water Board staff will follow all CEQA guidelines.

August Board Meeting Agenda Item – Revision to Irrigated Lands Conditional Waivers to comply with two of three items in Court ruling. Conditions A.7 and B.9 of Attachments B and C will be changed regarding access to private property and record confidentiality. Agenda package will be posted by close of business on 19 July. The last item in the Court ruling, the tributary rule, will be an action item for the September Board Meeting.

- Question: Will we hear from the Court [about the rulings] between the August and September Board Meetings?
Response: The attorneys will report to Court, but don't know the timing.

Program Compliance Status – 88 Water Code Section 13267 letters were sent to growers in various counties in March 2005. Some responses say the growers do not discharge. More letters were sent in June 2005. Some site inspections have been made at this time, and Water Board staff will re-inspect during winter season.

- Question: What initiates an inspection? Are there standardized forms or a checklist (rainfall, topography, etc.) for the site inspections? Some Coalition Group members are getting letters.

Response: The goal of the Section 13267 letters is to increase compliance. We are sending requests to County Assessor's offices to obtain information on growers. The counties selected for those letters have low membership in Coalition Groups. We can minimize the number of letters going to existing Coalition Group members if we had membership lists.

For field inspections, parties are notifying us (Water Board staff, other state agencies such as Department of Fish and Game [DFG]) about areas where they see discharges. Inspections will include a check of drainage patterns in area and document observations that include data, photos, drawings, and notes. All documented information goes into case files. Staff will then communicate with Coalition Representative and County Agricultural Commissioner on findings and encourage management practices to address water quality issues. There is no template for an inspection form, but each document should contain the same type of information.

- Question: Can we get on paper whether growers are or are not Dischargers?

Response: Water Board staff has not concluded that anyone is not a Discharger. Of the inspections done to date, there was no conclusive evidence to specifically state that anyone is not a Discharger.

- Question: What about rangeland?

Response: If the rangeland is not irrigated, it does not fall under the Irrigated Lands Conditional Waiver Program.

- Question: Porter-Cologne requires protection of groundwater. Will this be covered in the EIR?

Response: If discharges are not going to surface water, they are probably going to groundwater. The EIR will look at groundwater only minimally as it pertains to the effect on groundwater of management practices to protect surface water. If Water Board staff receive numerous comments that discharges to groundwater should be included in the permanent regulatory program, staff will consider amending the EIR contract, if the Board so desires.

Technical Issues Committee Update – Four focus groups are looking at collaborative studies on sediment toxicity, nutrient measurements, bioassessments, and water column toxicity. One recommendation is that there is a 50% trigger for a TIE analysis. The 50% trigger means that when there is a 50% mortality (or 50% reduction in growth) to ceriodaphnia, fathead minnow or algae test, then a TIE will be conducted. Also, agreement on no need to look at the growth endpoint for Hyallela in the sediment toxicity test. There will be a meeting with the labs to discuss primarily TIE issues. Next TIC meeting is 16 August; first meeting for the nutrient group will be same day in the afternoon.

- Comment: Dr. Longley has asked the California Department of Food and Agriculture (CDFA) to attend TIC meetings.

Response: CDFA has started to participate in meetings.

Phase II Monitoring Update – John Swanson has been assigned to manage Phase II work and is working with UC Davis, DFG, and subcontractors. Sampling points were decided this year based on previous results – moving upstream if toxicity was reported; repeat sampling at

identified sites with toxicity hits; sampling at agriculturally-dominated drains, creeks and ditches; and flexibility in making site changes during the process. Water sampling started on 13 June; sediment sampling starts in August.

Water Board Fee Schedule and Memorandum of Understanding (MOU) – Fee schedule was adopted on 16 June. Enrollment forms went out to Coalition Groups on 17 June 2005 asking whether they will enroll as Tier 1 (Coalition Groups pays for the fee for its members) or Tier 2 (Coalition Group does not pay for members). Only three responses so far. The MOU between Central Valley Water Board, State Water Board, Department of Pesticide Regulation (DPR) and the County Agricultural Commissioners for Butte and Glenn counties was signed on 29 June 2005. The MOU is on the State Board website.

- Comment: The MOU is between Glenn County, Butte County, the Regional Water Board, the State Water Board, and DPR. The Water Board will contract with the Agricultural Commissioners of each of those counties.
- Comment: South Valley has not responded to enrollment forms because they need more time and information on the definition of a Discharger so as to determine tier for invoicing.
Comment: Need a clear definition of what is a Discharger. You are asking a lot and at the risk of our membership. You send the growers a bill; they will run because they believe they are not Dischargers.
Response: It is up to the Coalition Group to choose the tier they want to use. Water Code has definition of Discharger and there is a fact sheet on the Water Board's Irrigated Lands Conditional Waiver Program website.
- Comment: How do you determine the number of acres? Gross acres, irrigated acres, net farmable acres?
Response: Know it is a moving target, but went with acres irrigated in the last 5 years. May not be 100% accurate, but it is a start. Want net irrigated acres; don't include roads.
- Comment: Not sure who will be charged.
Response: The Coalition Group is responsible only for its own member's acreage. For example, if there are 10,000 acres and 8,000 acres signed up in a coalition group, the fee is based on the 8,000 acres.
- Question: Would the other 2,000 acres fall into Tier 3 (fee for Individual Discharger)? Will the State Board send them an invoice?
Response: That's a good question.
- Comment: It is a considerable amount of work to determine irrigated acres for the past 5 years. Farmers have a handle on the current year, not the past 5 years.
Response: This came up as the best way to address it at this time. The fee schedule is reviewed annually, will consider other alternatives at that time.
- Question: Irrigation districts deliver water, but are not Dischargers. Is the fee based on the area of herbicide applied?
Response: Fee is based on miles of ditches or channels.
- Question: Not appropriate for concrete lined canal. Open to our interpretation?
Response: Yes.

- Question: To whom does Tier 3 apply? There is a hole here. A grower may be a Discharger during a 100-yr storm, but not a 25-yr storm.

Response: Let's get a smaller group together to discuss.

- Comment: MOU is a huge breakthrough for state bureaucracies. Got agencies cooperating. Big step forward.
- Comment: MOU is important to recognize the Agricultural Commissioners. It involved finding additional funding and integrating numerous people.

Upcoming Workshops/State Water Board Grant Programs – \$152 million available from Consolidated Grants program, of which \$14 million is earmarked for agricultural water quality grants. Stakeholder workshops to be held later this month. Matching funds are required; web-based application process (FAAST – Financial Assistance Application Submittal Tool). Two step process for grants: concept proposal, then those that further the Region's priorities (which are listed in the grant application materials) will be asked for a full grant proposal. Highest priorities for Region 5 are water quality monitoring and implementation, and management practices to protect water quality. Needs widespread implementation. Data must be compatible with SWAMP or GAMA.

Workshop schedule:

7/22	Oakland
7/28	Sacramento
7/29	Riverside

Wrap-up, Schedule for Next Meeting and Agenda – Key points heard in this meeting.

- Monitoring reports – analyzing data and getting benchmark. Board needs to be referee. Wide difference of views on what the reports show.
- MRP – one versus two reports; needs to be discussed further.
- TIC and PAC – doing good work; improving communications.
- Water quality improvement is the goal.
- Point staff person for each Coalition Group/Individual Discharger is great idea.
- Future PAC meetings – pick issues for in-depth discussion.
- Must have a defensible program.

Irrigated Lands Conditional Waiver Program

Public Advisory Committee Meeting

Attendance List

18 July 2005

Name	Organization	E-mail	Phone
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Al Brizard	Central Valley Water Board Member		
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